

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARQUETTA DUDLEY and
PERCY DUDLEY,

Plaintiffs,

-vs-

Case No. 08-14017
Hon: AVERN COHN

50TH DISTRICT COURT, JUDGE
PRESTON THOMAS and JUDITH GRACEY,

Defendants.

_____ /

**ORDER FINDING DEFENDANTS' MOTION TO DISMISS AS MOOT
AND GRANTING PLAINTIFFS' MOTION TO AMEND COMPLAINT**

This is an employment discrimination case. The complaint names the 50th District Court, Judge Preston Thomas (Thomas) and Judith Gracey (Gracey) as defendants. Gracey is the Court Administrator and Clerk of the 50th District Court. The Court does not have jurisdiction over the 50th District Court, or Thomas or Gracey in their official capacities as a consequence of Eleventh Amendment immunity.

Accordingly, the 50th District Court is DISMISSED, and Thomas and Gracey are DISMISSED in their official capacities. Plaintiffs shall have fifteen (15) days within which to file an amended complaint compatible to federal court jurisdiction. Defendants named

in the amended complaint shall have twenty (20) days within which to answer or otherwise plead. The pending motion to dismiss is MOOT.

SO ORDERED.

Dated: February 12, 2009

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, February 12, 2009, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160